

## **REMARKS**

Claims 1-3, 5-13, 15-29, and 31-58 are pending in the present application. Claims 4, 14 and 30 are canceled herein. Claims 1, 5, 12, 15, 26, 28, 31, 32, 43, and 54 have been amended. No new matter has been added. Applicants respectfully request reconsideration of the claims in view of the following remarks.

### **Claims 1-11 and 55**

**Claim 1** has been amended to include the elements of claim 4, which as been canceled.

Claim 1, as amended, requires in part:

a plurality of telephones at a plurality of given site sites, wherein said plurality of given sites are interconnected over a Voice over Internet Protocol (VoIP) network; [and]

at least one programmable control computer at each site for switching, accessing, routing, timing, billing, and restricting usage of said telephones by particular individuals, said plurality of telephones being connected to said programmable control computer.

The Examiner rejected claims 1 and 4 under 35 U.S.C. § 103(a) as assertedly being unpatentable over U.S. Publication No. 2003/0133558 to Kung, et al. (hereinafter “Kung ‘588”) in view of U.S. Publication No. 2002/0071537 to Gainsboro (hereinafter “Gainsboro”). The Examiner further rejected claims 4 under 35 U.S.C. § 103(a) as assertedly being unpatentable over Kung ‘588 in view of Gainsboro and further in view of U.S. Patent No. 6,795,444 to Vo, et al. (hereinafter “Vo”). Claims 8, 18 and 19 stand rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Kung in view of Gainsboro, further in view of U.S. Patent No. 6,816,469 to Kung, et al. (hereinafter “Kung ‘469”).

The Examiner points to paragraph [0026] of Kung ‘588 as teaching a plurality of telephones at a single given site (Office Action at 2-3) and further points to Vo’s elements 270

and 272 as teaching a plurality of given sites (Office Action at 13). Gainsboro is not cited as teaching or suggesting these claim elements. Applicants respectfully traverse this rejection.

Kung '588 does not teach “a plurality of telephones” at a single site or at “a plurality of given sites” as required in claim 1. Instead, Kung '588 merely teaches a public switched telephone network (PSTN) with no other specific details. The Examiner appears to be asserting that the required claim elements can be found in Kung '588 without showing or explaining where the specific elements are found. Moreover, the cited elements of Vo (270 and 272) are not “a plurality of sites” each having “a plurality of telephones” as required in claim 1. Element 270 is a location server, and element 272 is a SIP location directory (Vo at col. 12, line 65 - col. 13, line 18; Fig. 2A). A location server and a SIP location directory are not “a plurality of sites” as required in claim 1. Furthermore, Vo does not teach or suggest “a plurality of telephones” at either location server 270 or SIP location directory 272 as required in claim 1. This is because the location server 270 and SIP location directory 272 of Vo are part of the signaling plane to provide location updates (*Id.*; Vo at col. 13, line 65-col. 12, line 3). Elements 270 and 272 are likely at the same location as part of SIP sub-portion 288 (Fig 2A). There is no teaching or suggestion in Vo that elements 270 and 272 are at “a plurality of given sites.” Finally, Vo does not teach or suggest “a plurality of telephones” at a plurality of sites. Instead, Vo teaches terminals 284 separate from elements 270 and 272.

The Examiner points to IP central station 200 in Kung '588 as teaching “a programmable control computer” (Office Action at 3) and points to MCU 280 in Vo as teaching “at least one a programmable control computer at each site” (Office Action at 13). Gainsboro is not cited as teaching or suggesting these claim elements. Applicants respectfully traverse this rejection.

Vo does not teach or suggest “at least one a programmable control computer at each site” as required in claim 1. With respect to MCU 280, Vo teaches only that “a Multipoint Control Unit (MCU) 280” (shown as “MCCI” 280 in Fig. 2A) is part of sub-portion 290 of VoIP network 108. There are no other references to a Multipoint Control Unit, MCU, or MCCI, or feature 280 in the Vo disclosure. There is no explanation in Vo as to what MCU 280 is or does. It is merely described as a part of sub-portion 290 with no explicit or implicit duties, functions or responsibilities. Accordingly, there is no basis for the Examiner to equate IP central station 200 in Kung ‘588 to Vo’s MCU 280 or to replace IP central station 200 with MCU 280. Critically, MCU 280 is not located at “each site” as required in claim 1, but instead is located separate from both alleged sites 270 and 272.

Accordingly, at least the following elements of claim 1 are missing from the cited references: “a plurality of telephones,” “a plurality of given site sites,” and “at least one a programmable control computer at each site.”

**Claim 5** depends from claim 1 and further requires:

a data exchange network interconnecting said plurality of given sites, wherein said telephone communications system is integrated into said data exchange network.

The Examiner points to hubs/bridges 286A-286D of Vo as disclosing these elements. Kung ‘588 and Gainsboro are not cited as teaching or suggesting these claim elements. Applicants respectfully traverse this rejection.

As noted above, the Examiner has improperly identified location server 270 and SIP location directory 272 of Vo as the claimed “sites.” Even if these features of Vo were “sites” as required in claim 1, Fig. 2A of Vo clearly shows that hubs/bridges 286A-286C are not directly connected to location server 270 or SIP location directory 272 and, therefore, are not “a data

exchange network interconnecting said plurality of given sites” as required in claim 5.

Furthermore, hub/bridge 286D is clearly shown as connecting both location server 270 or SIP location directory 272 to other sub-portions of network 108 and not “interconnecting” these alleged sites.

Accordingly, at least the element of “a data exchange network interconnecting said plurality of given sites” required in claim 5 is missing from the cited references.

**Claim 8** depends from claim 1 and further requires that:

said programmable control computer further comprises a system for imposing a three-way call restriction.

The Examiner cites to paragraph [0006] of Gainsboro as teaching this element (Office Action at 14). Kung ‘588 and Kung ‘469 are not cited as teaching or suggesting this claim element. Applicants respectfully traverse this rejection.

In support of the rejection, the Examiner quotes the language “it would also be highly desirable to provide a method . . . for allowing a recipient of an undesired call from an inmate to easily and automatically prohibit all future calls from that particular inmate . . . .” (Gainsboro at [0006]). This language is missing any reference to “a three-way call restriction” as required in claim 8. Instead, the language quoted by the Examiner is directed to call screening, which is an entirely different concept. The Examiner has provided no explanation or support to show that one of ordinary skill in the art would understand that the quoted call screening language to teach or suggest “imposing a three-way call restriction” as required in claim 8.

Accordingly, at least the element of “imposing a three-way call restriction” as required in claim 8 is missing from the cited references.

The Kung ‘588, Gainsboro and Vo references, taken either singly or in combination, do not teach or suggest all of the elements of claim 1. Accordingly claim 1 is allowable under §

103(a) over the cited references. Claims 2, 3, 5-11 and 55 depend from claim 1 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

### **Claims 12-25**

**Claim 12** has been amended to include the elements of claim 14, which as been canceled.

Claim 12, as amended, requires in part:

a plurality of telephones at a plurality of given sites, said sites being interconnected over an Ethernet network.

The Examiner rejected claims 12-14 and 16 under 35 U.S.C. § 103(a) as assertedly being unpatentable over Kung ‘588 in view Gainsboro. Claims 8, 18 and 19 stand rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Kung ‘588 in view of Gainsboro, and further in view of U.S. Patent No. 6,816,469 to Kung, et al. (hereinafter “Kung ‘469”).

The Examiner points to paragraph [0026] of Kung ‘588 as teaching a plurality of telephones at a single given site (Office Action at 2-3) and further points to paragraph [0027] of Kung ‘588 as teaching a plurality of sites being interconnected over an Ethernet network (Office Action at 6). Gainsboro is not cited as teaching or suggesting these claim elements. Applicants respectfully traverse this rejection.

The Examiner has not identified the “plurality of given sites” as required in claim 12. In particular, paragraph [0027] does not disclose “a plurality of given sites” each having “a plurality of telephones.” Instead, paragraph [0027] discloses a “broadband residential gateway 300 [that] may be variously configured to provide one or more integrated communication interfaces to other devices within the customer premise equipment 102 . . . . For example, the broadband residential gateway 300 may provide one or more . . . Ethernet connections . . . and/or other connections to a plurality of devices . . . .” Therefore, the cited portion of Kung ‘588 only

teaches Ethernet connections to other devices with the same customer premise equipment.

Paragraph [0027] does not teach or suggest “a plurality of given sites,” each having “a plurality of telephones.”

Accordingly, at least the following elements of claim 12 are missing from the cited references: “a plurality of telephones” and “a plurality of given site sites.”

**Claim 13** depends from claim 12 and further requires that

at least some of said functions of said programmable control system are performed off of said site, through an Ethernet network interface.

The Examiner cites to paragraph [0081] of Kung ‘588 as teaching this element (Office Action at 5). Gainsboro is not cited as teaching or suggesting this claim element. Applicants respectfully traverse this rejection.

In support of the rejection, the Examiner quotes the language “distributed processing controller 306 which may be a microprocessor and/or one or more interconnected distributed processing modules for controlling the broadband residential gateway 300.” (Kung ‘588 at [0081], referring to Fig. 3). Applicants submit that this language does not teach that “at least some of said functions of said programmable control system are performed off of said site” as required in claim 13. When taken in context with the whole of paragraph [0081], it is clear that paragraph [0081] is discussing how elements of broadband residential gateway 300 are interconnected by high speed bus (HSB) 360, processor bus 380, and/or other interconnection system. *Id.* Accordingly, distributed processing controller 306 and distributed processing modules 308-318 are all within broadband residential gateway 300. Therefore, the processing performed or controlled by distributed processing controller 306 and distributed processing modules 308-318 all occurs at one location - the site of broadband residential gateway 300.

There is no teaching or suggestion that the functions of distributed processing controller 306 and distributed processing modules 308-318 can be moved “off of said site” as required in claim 13.

Accordingly, at least the element of “at least some of said functions of said programmable control system are performed off of said site” as required in claim 13 is missing from the cited references.

**Claim 15** depends from claim 12 and further requires:

a data exchange network interconnecting said sites over said Ethernet network.

The Examiner points to paragraph [0027] of Kung ‘588 as teaching this element (Office Action at 5). Gainsboro is not cited as teaching or suggesting these claim element. Applicants respectfully traverse this rejection.

As noted above, the Examiner has not identified the plurality of “said sites” as required in claims 12 and 15. Instead, paragraph [0027] discloses a “broadband residential gateway 300 [that] may be variously configured to provide one or more integrated communication interfaces to other devices within the customer premise equipment 102 . . . . For example, the broadband residential gateway 300 may provide one or more . . . Ethernet connections . . . and/or other connections to a plurality of devices . . . .” Therefore, the cited portion of Kung ‘588 only teaches Ethernet connections to other devices with the same customer premise equipment. There is no teaching or suggesting in Kung ‘588 of “a data exchange network interconnecting [a plurality of] sites,” as required in claim 15.

Accordingly, at least the elements of “a data exchange network interconnecting said sites” as required in claim 12 is missing from the cited references.

**Claim 16** depends from claims 12 and 15, and further requires that:

said programmable control system includes a control computer at each site.

The Examiner cites to paragraph [0081] of Kung '588 as teaching this element (Office Action at 5). Gainsboro is not cited as teaching or suggesting this claim element. Applicants respectfully traverse this rejection.

In support of the rejection, the Examiner quotes the language “distributed processing controller 306 which may be a microprocessor and/or one or more interconnected distributed processing modules for controlling the broadband residential gateway 300.” (Kung '588 at [0081], referring to Fig. 3). Applicants submit that this language does not teach that “a control computer at each site” as required in claim 16. When taken in context with the whole of paragraph [0081], it is clear that paragraph [0081] is discussing how elements of broadband residential gateway 300 are interconnected by high speed bus (HSB) 360, processor bus 380, and/or other interconnection system. *Id.* Accordingly, distributed processing controller 306 and distributed processing modules 308-318 are all within broadband residential gateway 300. Therefore, the processing performed or controlled by distributed processing controller 306 and distributed processing modules 308-318 all occurs at one location - the site of broadband residential gateway 300. There is no teaching or suggestion that “a control computer” is located at each site as required in claim 13, because there is only one site. Furthermore, even if a system was constructed of multiple gateways 300, the individual distributed processing controller 306 within each gateway would not be part of a “programmable control system.”

Accordingly, at least the element of a “programmable control system [including] a control computer at each site” as required in claim 16 is missing from the cited references.

**Claim 18** depends from claim 12 and further requires that

said programmable control system imposes a three-way call restriction.



The Examiner cites to paragraph [0006] of Gainsboro as teaching this element (Office Action at 14). Kung '588 and Kung '469 are not cited as teaching or suggesting this claim element. Applicants respectfully traverse this rejection.

In support of the rejection, the Examiner quotes the language “it would also be highly desirable to provide a method . . . for allowing a recipient of an undesired call from an inmate to easily and automatically prohibit all future calls from that particular inmate . . .” (Gainsboro at [0006]). This language is missing any reference to “a three-way call restriction” as required in claim 18. Instead, the language quoted by the Examiner is directed to call screening, which is an entirely different concept. The Examiner has provided no explanation or support to show that one of ordinary skill in the art would understand that the quoted call screening language to teach or suggest “a three-way call restriction” as required in claim 18.

Accordingly, at least the element of “a three-way call restriction” as required in claim 18 is missing from the cited references.

The Kung '588, Gainsboro and Kung '469 references, taken either singly or in combination, do not teach or suggest all of the elements of claim 12. Accordingly claim 12 is allowable under § 103(a) over the cited references. Claims 13, and 15-25 depend from claim 12 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

### **Claims 26-30 and 56**

**Claim 26** has been amended to include the elements of claim 30, which as been canceled. Claim 26, as amended, requires in part:

a three-way call detection system for imposing a three-way call restriction.

The Examiner rejected claim 26 under 35 U.S.C. § 103(a) as assertedly being unpatentable over Kung '588 in view of Gainsboro. Claim 30 stands rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Kung '588 in view of Gainsboro, further in view of U.S. Patent No. 6,876,647 to Celi Jr. (hereinafter "Celi"), further in view of U.S. Patent No. 6,445,682 to Weitz (hereinafter "Weitz"), and further in view of U.S. Publication No. 2001/0028649 to Pogossiants, et al. (hereinafter "Pogossiants").

The Examiner cites to paragraph [0006] of Gainsboro as teaching imposing a three-way restriction (Office Action at 17). The Examiner further cites to paragraphs [0025] and [0090] and Figure 6 of Pogossiants as teaching a third party call detection system. Kung '588, Celi, and Weitz are not cited as teaching or suggesting these claim elements. Applicants respectfully traverse these rejections.

In support of the rejection based on Gainsboro, the Examiner quotes the language "it would also be highly desirable to provide a method . . . for allowing a recipient of an undesired call from an inmate to easily and automatically prohibit all future calls from that particular inmate . . . ." (Gainsboro at [0006]). This language is missing any reference to "imposing a three-way call restriction" as required in claim 26. Instead, the language quoted by the Examiner is directed to call screening, which is an entirely different concept. The Examiner has provided no explanation or support to show that one of ordinary skill in the art would understand that the quoted call screening language to teach or suggest "imposing a three-way call restriction" as required in claim 26.

With respect to the Pogossiants reference, paragraph [0025] merely notes the existence of VoIP, but does not teach or suggest "a three-way call detection system" or "imposing a three-way call restriction" as required in claim 26. Paragraph [0090] includes a discussion of Figure 6,

which is an architectural overview of a communication network. (Pogossiants at [0035]).

Paragraph [0090] includes no discussion of, and does not teach or suggest, “a three-way call detection system” or “imposing a three-way call restriction” as required in claim 26. Instead, paragraph [0090] notes that CTI server 606 provides third-party call control over PBX 611 and IP router 607. Third-party call control is clearly not “a three-way call detection system” or “imposing a three-way call restriction.” Third party call control merely means that one entity (CTI server 606) is controlling another entity (PBX 611 or IP router 607). “Third party” is not “three-way.”

Accordingly, at least the elements of “a three-way call detection system” and “imposing a three-way call restriction” as required in claim 26 are missing from the cited references.

The Kung ‘588, Gainsboro, Celi, Weitz, and Pogossiants references, taken either singly or in combination, do not teach or suggest all of the elements of claim 26. Accordingly claim 26 is allowable under § 103(a) over the cited references. Claims 27-29 and 56 depend from claim 26 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

### **Claim 31**

**Claim 31** has been amended to include the elements of claim 4, which as been canceled.

Claim 31, as amended, requires in part:

a plurality of telephones at a plurality of given sites, wherein said plurality of given sites are interconnected over a Voice over Internet Protocol (VoIP) network; [and]

at least one programmable control computer at each site for switching, accessing, routing, timing, billing, and restricting usage of said telephones by particular individuals, said telephones being connected to said programmable control computer, and said programmable control computer further comprising a system responsive to a calling card number associated with a personal

identification number (PIN), said numbers being keyed into said telephones for authorizing stored permitted telephone usage associated with individual numbers.

The Examiner rejected claim 31 under 35 U.S.C. § 103(a) as assertedly being unpatentable over Kung '588 in view of Gainsboro, further in view of U.S. Patent No. 5,971,272 to Hsiao (hereinafter "Hsiao). Claim 4 was rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Kung '588 in view of Gainsboro. The Examiner further rejected claims 4 under 35 U.S.C. § 103(a) as assertedly being unpatentable over Kung '588 in view of Gainsboro and further in view of Vo.

As discussed above, with respect to claim 1, at least the following elements of claim 31 are missing from the Kung '588, Gainsboro and Vo references: "a plurality of telephones," "a plurality of given site sites," and "at least one a programmable control computer at each site." Hsiao

The Kung '588, Gainsboro, Vo and Hsiao references, taken either singly or in combination, do not teach or suggest all of the elements of claim 31. Accordingly claim 31 is allowable under § 103(a) over the cited references.

### **Claims 32-42 and 57**

Claim 32, as amended, requires in part:

- a first voice over Internet protocol (VoIP) gateway coupled to said plurality of telephone terminals and disposed locally with respect thereto, said first VoIP gateway having a digital data network interface providing digital communication of voice signals associated with one or more of said plurality of telephone terminals with user terminals external to said prison facility, wherein said voice signals are communicated to the user terminals via a digital data network;

- a second VoIP gateway coupled between said digital data network and said user terminals; and

- a processor-based system coupled to said first VoIP gateway and to said second VoIP gateway and disposed remotely with respect thereto.

The Examiner rejected claim 32 under 35 U.S.C. § 103(a) as assertedly being unpatentable over Kung '588 in view of Gainsboro.

Neither Kung '588 nor Gainsboro teach or suggest the first VoIP gateway, the second VoIP gateway, and a processor-based system coupled to the first VoIP gateway and to the second VoIP gateway and disposed remotely with respect to both, as required in claim 32. Accordingly claim 32 is allowable under § 103(a) over the cited references.

Claims 33-42 and 57 depend from claim 32 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

#### **Claims 43-53 and 58**

Claim 43, as amended, requires:

[a] first VoIP gateway is between the prison telephone system and an IP network  
a second VoIP gateway between the PSTN and the IP network; and  
a three-way call detection system between said second VoIP gateway and said PSTN.

The Examiner rejected claim 43 under 35 U.S.C. § 103(a) as assertedly being unpatentable over Kung '588 in view of Gainsboro.

Neither Kung '588 nor Gainsboro teach or suggest the first VoIP gateway, second VoIP gateway, or three-way call detection system elements of claim 43. Accordingly claim 43 is allowable under § 103(a) over the cited references.

Claims 44-53 and 58 depend from claim 43 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

#### **Claim 54**

**Claim 54** has been rewritten in independent form. Claim 54 is objected to, but the Examiner indicated that the claim is allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank Examiner for the indication of allowable subject matter and respectfully request that the Examiner allow claim 54, as amended herein.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Michael J. Fogarty, III , Applicants' attorney, at 972-732-1001 so that such issues may be resolved as expeditiously as possible. No fee is believed due in connection with this filing. However, should one be deemed due, the Commissioner is hereby authorized to charge, or credit any overpayment, Deposit Account No. 50-1065.

Respectfully submitted,

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Date

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